

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

KARA MCINTOSH, #45114-083

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Petitioner

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v

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Civil Action No. JFM-11-1249

WARDEN

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Respondent

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MEMORANDUM

Kara McIntosh, an inmate at the Federal Prison Camp in Phoenix, Arizona, moves pro se for an order to compel the Maryland Central Collection Unit to dismiss her outstanding debt. The court will construe the paper (ECF No. 1) as a petition for writ of mandamus under 28 U.S.C. §1361 and dismiss this case without prejudice for lack of jurisdiction.

Under 28 U.S.C. § 1361, federal district courts have original jurisdiction of any action in the nature of mandamus to compel an officer or employee of the United States or one of its agencies to perform a duty owed to a petitioner. *See Gurley v. Superior Court of Mecklenburg County*, 411 F.2d 586, 587 (4th Cir. 1969). The Maryland Central Collection Unit is not an agency of the United States. Consequently, the court does not have jurisdiction to over this matter, and the petition will be dismissed without prejudice under Fed. R. Civ. P. 12(h) (3) (requiring the court to dismiss an action “at any time” it determines that subject matter jurisdiction is wanting).¹ A separate Order follows.

May 27, 2011
Date

/s/
J. Frederick Motz
United States District Judge

¹ Petitioner may want to write to the Central Collection Unit at 300 West Preston Street, Baltimore, Maryland 21201 to dispute offsets to her accounts. To the extent McIntosh might intend to dispute payments toward the restitution ordered in *United States v. Kara McIntosh*, Criminal Action No. JFM-08-533 (D. Md), her challenge might be presented by way of a 28 U.S.C. § 2241 or a Motion to Vacate, Set Aside or Correct sentence under 28 U.S.C. §2255.